

Docket No.: X2850.0043/P043

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Junichi Matsuda

Application No.: 09/750,537

Filed: December 28, 2000

Art Unit: Not Yet Assigned

For: COMMUNICATION PATH CONTROL

METHOD FOR DATA NETWORKS

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS) RECEIVED

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

AUG 1 5 2003

Technology Center 2100

Dear Sir:

Pursuant to 37 CFR 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Timing of Filing of the Information Disclosure Statement:

This IDS is being filed before the First Office Action ¹ .
This IDS is being filed after the issuance of the First Office Action but before the
issuance of a Final Office Action ² .

¹ The IDS should, where possible, include a certification under 37 C.F.R. §1.97(e).

Applic	ration No.: 09/750,537	Docket No.: X2850.0043/P043
	This IDS is being filed after the issuance of a Final payment of the Final Fee ³ .	Office Action but before the
Certif	ications:	
If chec	cked, the undersigned makes the following statemen	at(s):
\boxtimes	Statement under 37 CFR § 1.97(e):	
	Each item of information contained in this information first cited in any communication from a foreign part foreign application not more than three months printed information disclosure statement; or No item of information contained in this information a communication from a foreign patent office in application, and, to the knowledge of the undersign inquiry, no item of information contained in this information contained in this information.	tent office in a counterpart ior to the filing of this on disclosure statement was cited a counterpart foreign ned after making reasonable aformation disclosure statement
	was known to any individual designated in § 1.56(a to the filing of the information disclosure statement	•
	Statement Under 37 C.F.R. § 1.704(d):	
	Each item of information contained in this information cited in a communication from a foreign patent off and this communication was not received by any in	ice in a counterpart application

Fee Required by 37 C.F.R. § 1.97(c)(2) or 1.97(d)(2):

more than thirty days prior to the filing of this information disclosure statement.

² The IDS must include either a certification under 37 C.F.R. §1.97(e) or the fee set forth in 37 C.F.R. §1.17(p).

³ The IDS must include both a certification under 37 C.F.R. §1.97(e) and the fee set forth in 37 C.F.R. §1.17(p).

Appli	cation No.: 09/750,537	Docket No.: X2850.0043/P043
	If checked, the fee of \$180.00 set forth in 37 C	C.F.R. §1.17(p) is attached.
Copie	es of Information:	
In acc	cordance with 37 C.F.R. §1.98(a), the following	are enclosed:
\boxtimes	A legible copy ⁴ of each document (or relevant pattached PTO/SB/08.	portion thereof) is cited in the
	With respect to any information which is not in the relevance, as it is presently understood by the most knowledgeable about the content of the in concise explanation is provided by way of:	ne individual designated in § 1.56(c)
	A translation of the relevant porti information ⁵ ;	ons of the non-English language
	A statement explaining the releval	nt portions of the non-English
	A copy [and, where not in the Enleast the relevant portion(s) ⁶ of the commoffice in a counterpart foreign application cited; or	

⁴ A legible copy of the document is not required if (1) the information was previously cited by, or submitted to, the Office and considered by the Office in a prior U.S. application to which this application claims priority, provided that the prior application is properly identified in this IDS, and (2) the IDS submitted in the earlier application complies with 37 C.F.R. § 1.98(a) – (c). This exception does not apply to information cited in an International Application.

⁵ 37 C.F.R. §1.98(a)(3)(ii) *requires* that an English language translation be provided when a translation of the document, or portion thereof, "is within the possession, custody or control of, or is readily available to any individual designated in 37 C.F.R. § 1.56(c)."

⁶ The relevant portion is that portion which indicates the degree of relevance found by the foreign patent office. This may be an explanation of which portion of the of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report. MPEP §609 III A(3).

Application No.: 09/7	750,537	Docket No.: X2850.0043/1	'043			
applicati	This information is contained in the sion.	specification of the present				
In accordance with 37 C.F.R. 1.98(d), copies of the cited documents are not						
enclosed as they were	provided in application Serial No.	, filed	,			
which the present app	lication relies upon for an earlier effe	ective filing date under 35 U.S	S.C.			
120.						

Materiality:

Whether or not the information and references disclosed in this Information Disclosure Statement is "material" pursuant to 37 CFR 1.56, this submission is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Application No.: 09/750,537 Docket No.: X2850.0043/P043

In the event the actual fee is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 50-2215.

Dated: August 11, 2003

Respectfully submitted,

Edward A. Meilman

Registration No.: 24,735

DICKSTEIN SHAPIRO MORIN &

OSHINSKY LLP

1177 Avenue of the Americas

41st Floor

New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant

PTO/SB/92 (05-03)
Approved for use through 4/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

aperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Application No. (if known): 09/750,537

Attorney Docket No.: X2850.0043/P043

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

RECEIVED

AUG 1 5 200B

August 11, 2003 Date

Technology Center 2100

Carol McFarlane-Fishberg

Typed or printed name of person signing Certificate

Note: Information Disclosure Statement (5 pages);

> SB 0/8 (Form PTO-1449); Copy of Reference; and

Status Inquiry.

RECEIVED

AUG 2 0 REC'D

TC 2100